

Notice of Allowability

Application No.

09/512,226

Examiner

Michael W. Hoye

Applicant(s)

HUCKINS, JEFFREY L.

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2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 10/27/05.
2. ☒ The allowed claim(s) is/are 31,35,36,38-43,45 and 47-53 (renumbered as 1, 5-6, 2-4, 9-14, 17, 7-8 and 15-16).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/05 has been entered.

Response to Arguments

2. Applicant's arguments, see Remarks/Arguments, filed on October 27, 2005, with respect to claims 31, 35-36, 38-43, 45 and 47-53 have been fully considered and are persuasive. The rejection of claims 31, 35-36, 38-43, 45 and 47-53 has been withdrawn.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance: Claims 31, 35-36, 38-43, 45 and 47-53 (renumbered as 1, 5-6, 2-4, 9-14, 17, 7-8 and 15-16, respectively) are allowed.

Regarding independent claim 31, the prior art, alone or in combination, does not teach or explicitly disclose a method comprising transmitting a first announcement including a content description for content arranged with at least two levels or granularity, the first announcement transmitted before any assignment of connection has been determined for the content, said first

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announcement including a service identifier to link with a second announcement; thereafter transmitting said second announcement including connection information for the content, including linking each of the granularity levels to connection information for the granularity; and transmitting the content after the first announcement and the second announcement. As to the most pertinent prior art of record, the Kusaba et al (USPN 6,510,556) reference discloses the majority of the claim limitations as described above, including arranging the content description with at least two levels of granularity as met by a “group” level of granularity as shown in Fig. 4A by the various categories or types of genre, and by an “item” level of granularity as shown in Fig. 4B by the various title content selections. However, Kusaba does not explicitly disclose the claimed linking each of the granularity levels to connection information for the granularity. In the Kusaba reference only the “item” or “title” granularity level is linked to connection information. In the Applicant’s invention these features are specifically disclosed in claim 31.

Regarding independent claim 35, the prior art, alone or in combination, does not teach or explicitly disclose a method comprising transmitting a first announcement including a content description for content, the first announcement transmitted before any assignment of connection has been determined for the content, said first announcement including a service identifier to link with a second announcement; thereafter transmitting said second announcement including connection information for the content that specifies the location of service in said connection information; and transmitting the content after the first announcement and the second announcement. As to the most pertinent prior art of record, the Kusaba et al reference discloses the majority of the claim limitations as described above, including a service identifier to link with said second announcement as met by the number identifiers and more specifically by the

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title names (Fig. 4B), which provide a link to the second announcement that includes the channel numbers or connection information (see Figs. 4C-4F), where the title is the identifier of the service (i.e. movie). However, Kusaba does not explicitly disclose the claimed connection information for the content that specifies the location of service in said connection information. In the Applicant's invention these features are specifically disclosed in claim 35.

Regarding independent claim 41, the prior art, alone or in combination, does not teach or explicitly disclose an article comprising a medium to store instructions that if executed enable a system to transmit a first announcement via a digital broadcast, the first announcement including a content description for content, the first announcement transmitted before any assignment of connection has been determined for the content; thereafter transmit a second announcement including connection information for the content; transmit the content after the first announcement and the second announcement; provide a service identifier to link said first and second announcements; and generate the second announcement using a template while the first announcement is generated. As to the most pertinent prior art of record, the Kusaba et al reference discloses forming a template for said second announcement as met by the tables 103 and 104 in the video distributing apparatus 111, and by the picture plane 420 (Fig. 4C), where the template has already been formed before the connection information is available to the user (col. 4, line – col. 6, line 9). However, Kusaba does not explicitly disclose the claimed storing instructions that if executed enable the system to generate the second announcement using a template while the first announcement is generated. In the Applicant's invention these features are specifically disclosed in claim 41.

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Regarding independent claim 47, the claim is allowable based on the reasons given above for claims 31 and 35.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Or faxed to: 571-273-8300

Hand-delivered responses should be brought to the Customer Service Window at the address listed above.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoyer
November 10, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600